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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 JAMES PHILIP DOUGLAS,  
12                   Plaintiff,  
13                  v.  
14 RON VAN BOENING, *et al.*,  
15                   Defendants.

Case No. C08-5608RJB-KLS  
**ORDER GRANTING  
PLAINTIFF'S REQUEST FOR 90  
DAY STAY**

17                  This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
18 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure 72. The case is before the  
19 Court on plaintiff's filing of a request for a 90-day stay in the proceedings of this case. (Dkt. #12-#12-1).  
20 After reviewing plaintiff's request and the balance of the record, the Court finds and orders as follows:

21                  Although plaintiff has not properly noted his request as a motion, the Court shall treat it as such.  
22 In his motion, plaintiff requests the 90-day stay because subsequent to the filing of his complaint in this  
23 Court on October 3, 2008, his "criminal case" was overturned and remanded to Pierce County Superior  
24 Court for retrial. (Dkt. #12-1). Plaintiff further states that "without prior knowledge," on November 13,  
25 2008, he was transported to the Pierce County Jail. (*Id.*). In addition, plaintiff states he is requesting the  
26 90-day stay because of his "limited access to legal materials and ability to contact outside sources," and  
27 so he can concentrate on his criminal case.

28                  The Court finds plaintiff's request to be not unreasonable here. Accordingly, plaintiff's request

1 for a 90-day stay in this case (Dkt. #12) hereby is GRANTED. All proceedings in this matter, therefore,  
2 shall be STAYED until **March 11, 2009**. Should plaintiff's criminal retrial conclude prior to that date,  
3 however, plaintiff shall inform the Court of that fact in writing **within 21 days** of the conclusion thereof.  
4 Upon receipt of such written notice or on the above date, whichever is earlier, the stay granted herein  
5 shall be lifted, unless plaintiff informs the Court, also in writing, that his criminal retrial has not yet  
6 concluded. If such is the case, plaintiff may file a written motion requesting an extension of the stay,  
7 stating therein the amount of additional time he needs and the specific reasons therefor.

8 Plaintiff also states that if any mailings were sent to him on or after November 13, 2008, he would  
9 not have received them. Thus, he requests any such mailings be sent to him at his new address, the Pierce  
10 County Jail. The Court did issue an order granting plaintiff's application to proceed *in forma pauperis* on  
11 November 18, 2008 (Dkt. #18), an order denying his motion for discovery on November 20, 2008 (Dkt.  
12 #7-8), and an order to show cause concerning certain deficiencies in his complaint, and directing him to  
13 file an amended complaint curing, if possible, those deficiencies (Dkt. #9).

14 The record further reflects that each of the above orders – all of which were sent to his old mailing  
15 address – was returned to the Court. (Dkt. #10-11). The Clerk, therefore, shall re-send plaintiff copies of  
16 each of those orders to his new address at the Pierce County Jail. In addition, the deadline for plaintiff to  
17 file an amended complaint in response to the order to show cause noted above (Dkt. #9) hereby is moved  
18 to **April 10, 2009**, unless, as also as noted above, plaintiff informs the Court of an earlier conclusion to  
19 his criminal retrial or files a motion for an extension of the stay in this case, in which case, the Court shall  
20 re-note the response deadline as appropriate.

21 The Clerk is directed to send a copy of this Order to plaintiff.

22 DATED this 11th day of December, 2008.

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26 Karen L. Strombom  
27 United States Magistrate Judge  
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